

Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN FLOYD, individually and on behalf
of all other similarly situated,

Plaintiff,

V.

AMAZON.COM INC. and APPLE INC.,

Defendants.

Case No. 2:22-cv-01599 KKE

ORDER GRANTING APPLE'S MOTION TO SEAL

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SEAL

This matter comes before the Court on Defendant Apple Inc.’s unopposed motion to seal parts of the declaration of Mark A. Perry and all of the attached exhibits (Dkt. No. 88), which were filed in support of Apple’s and Defendant Amazon.com Inc.’s opposition to Plaintiff’s motion for leave to amend the first amended complaint and to intervene. Dkt. No. 84. The Court grants the motion to seal for the following reasons.

“In this circuit, we start with a strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). The party seeking to seal a court record generally “bears the burden of overcoming this strong presumption by meeting the compelling reasons standard. That is, the party must articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure[.]” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (cleaned up). The Local Rules of this district require a party filing a motion to seal to *inter alia* identify the interests that warrant sealing and the injury that would result if the motion is not granted, and to explain why a less restrictive alternative than sealing is insufficient. Local Rules W.D. Wash. LCR 5(g)(3)(B).

The Court finds that Apple has shown compelling reasons to seal the materials identified below, because they contain confidential business information regarding Apple’s internal systems and processes for protecting data that, if made public, could harm Apple’s competitive standing. No means other than sealing will protect the confidential business information, the protection of which outweighs the public right of access to court records. *See, e.g., Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (indicating that compelling reasons to grant a motion to seal would exist “when a court record might be used … ‘as sources of business information that might harm a litigant’s competitive standing[]’” (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598–99 (1978))).

1 Additionally, Apple has shown compelling reasons to seal the exhibits attached to the Perry
 2 declaration, because they contain personally identifiable information (“PII”) related to Plaintiff
 3 Steven Floyd’s devices that, if made public, could harm Floyd’s personal privacy and data security
 4 interests. No means other than sealing will protect the PII, the protection of which outweighs the
 5 public right of access to court records. *See, e.g., Activision Publ’g, Inc. v. EngineOwning UG*, No.
 6 CV 2:22-cv-00051-MWF (JCx), 2023 WL 2347134, at *1 (C.D. Cal. Feb. 27, 2023) (“[T]here are
 7 compelling reasons to seal the various parties’ customers’ personal information, which includes the
 8 customers’ names, account numbers, IP addresses, email addresses, and/or customer activities on
 9 certain platforms, in order to protect the customers’ privacy.”).

11 Accordingly, the Court GRANTS Apple’s motion to seal. Dkt. No. 84. Exhibits A–P
 12 attached to the Perry declaration shall be maintained under seal until further order of the Court.
 13 Furthermore, the Perry declaration shall be partially sealed until further order of the Court,
 14 consistent with the table below:

17 Portion of Document Sought to be Sealed	18 Document Title	19 Reason to Seal
20 2:7–10	21 Perry Declaration	22 Reflects information regarding Apple’s 23 confidential, internal processes and 24 systems for maintaining data about 25 Apple devices and users.
26 2:14	27 Perry Declaration	28 Reflects information regarding Apple’s 29 confidential, internal processes and 30 systems for maintaining data about 31 Apple devices and users.
32 2:19	33 Perry Declaration	34 Reflects information regarding Apple’s 35 confidential, internal processes and 36 systems for maintaining data about 37 Apple devices and users.
38 2:24	39 Perry Declaration	40 Reflects information regarding Apple’s 41 confidential, internal processes and 42 systems for maintaining data about 43 Apple devices and users.

1	2:28	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
2	3:1	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
3	3:6	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
4	3:11	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
5	3:16	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
6	3:21	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
7	3:26	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
8	4:3	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
9	4:8	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
10	4:13	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
11	4:18	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
12	4:23	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.

1	4:28	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.
2	5:5	Perry Declaration	Reflects information regarding Apple's confidential, internal processes and systems for maintaining data about Apple devices and users.

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7 Dated this 9th day of April, 2024.

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11 Kymberly K. Evanson
12 United States District Judge
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